

Santa Domingo Pueblo (1)

An Ordinance for a Wellhead Protection Program for the Santo Domingo Pueblo

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General Ordinance

## AN ORDINANCE FOR A WELLHEAD PROTECTION PROGRAM FOR THE SANTO DOMINGO PUEBLO

WHEREAS, the members of the pueblo derive their domestic water supply from wells,  
and

WHEREAS, the aquifers need to be protected from contamination by activities of  
mankind, and

WHEREAS, activities and practices on pueblo lands need to be controlled.

NOW, THEREFORE, be it enacted by the tribal council of the Santo Domingo Tribe this  
ordinance for protection of its water supply, by regulatory activities within defined wellhead  
protection areas:

### 1.. Introduction

The wellhead protection program (WHPP) is a federal program for protecting the nation's  
groundwater where public water supplies are drawn from it. Federal funding is available through  
the Safe Drinking Water Act for development and Implementation of the tribe's program.

The controls of this ordinance apply to any wellhead protection area (WHPA) for all current  
wells serving, or wells that have served, as the public water supply for the tribal members. The  
controls shall also apply to any WHPA for any new well the tribe may so complete and use.

### 2. Incorporation of Other Ordinances

Two other ordinances passed by the Council are applicable to the WHPP and are incorporated  
herein by reference and made a part of this ordinance:

- a. An ordinance for Response to Spills and Leaks on Santo Domingo tribal lands, and
- b. A Landfill and Solid Waste Dumping Ordinance

### 3. Sources of Contamination and Controls

- a. Septic tanks, drain fields and lagoons - No new septic tanks or drain fields shall be  
located within any WHPA. Should such location be unavoidable because of future

developments, it will be only by specific ordinance overriding this ordinance, after full knowledge of all applicable data by the tribal council.

Existing septic tanks and drain fields shall be maintained in good working order, and repaired where necessary.

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No new waste impoundments or sewage lagoons shall be located in a WHPA unless they are constructed so as to prevent leakage, spillage and percolation into groundwater.

The existing Village lagoons in high water level areas will be purged to the land surface as little as possible and only when necessary for sewage retention. The tribe will strive to have any new lagoons in the same area elevated so as not to be influenced by river levels (new lagoons will be sought only if necessary and other options fail).

b. No new landfills may be located in any WHPA. Delineated WHPA must be surveyed for any prior landfill activity and, if found, cleaned up if the landfill exhibits any periodic or continuing leakage of contaminants.

c. No open or indiscriminate dumping will occur in WHPAs.

NOTE: The prohibitions of (b) and shall be read in conjunction with the ordinance referenced in 2(b).

d. Burial of animals is controlled by the ordinance referenced in 2(b).

e. Underground Storage Tanks (discussion follows).

There are four areas of underground storage tanks, the highway commercial area, the Village automotive shop, the Rosetta store and the Domingo Station area. Each of these are subject to this ordinance (reference also the federal EPA program for petroleum underground storage tanks).

The owners and operators of in-use petroleum underground storage tanks (UST) are directed to comply with this ordinance and the federal EPA program, including form completion. Briefly, those requirements are:

1. Spilling and overflows will not occur. Should there be a spill or overflow, it must be reported to the Governor immediately.
2. Repairs to tanks or piping will not result in leakage or spills, and will be accomplished in accordance with standard industry practices.
3. Provision of a method of leak detection from any part of the tanks and the associated

underground piping. The operator may use any method acceptable in industry practice.

4. Explanation of the method, if any, of corrosion protection of the tanks for upgrading purposes,

5. Provision of a plan to react immediately to a spill or leak. The plan should include stopping the leak, and subsequent investigation and cleanup of affected site and soil.

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6. Provision of a thorough system of recordkeeping for operation of corrosion protection, leaking or spillage monitoring and corrective action data and repair data.

No new USTs shall be installed without first complying with this ordinance and with the requirements of the federal EPA program (reference 40 C.F.R. 280.20), including any forms required by the tribe or the EPA. Owners of new tanks shall provide copies of documentation supporting compliance with the EPA requirements to the Governor.

New tanks must be properly designed and constructed, and any underground portion must be protected from corrosion, both in accordance with developed and recognized codes of industry standards.

Piping in contact with the ground must be designed, constructed and protected from corrosion in accordance with developed and recognized codes of industry standards.

Tanks and piping shall be equipped with leak detection devices and installation of tanks and piping must be in accordance with developed and recognized codes of industry standards.

f. Used oil-service station operators and individuals shall not pour or dispose of oil onto the land surface or water. Used oil shall be disposed of only in accordance with tribal direction.

g. Hazardous Waste and Toxic Materials - There shall be no dumping or disposal of hazardous waste, toxic materials, radioactive material, or any detrimental substance in any WHPA, and there shall be no storage of any such waste or materials in any WHPA. Transportation of such wastes, materials or substances through tribal lands shall be accomplished only if all federal and state requirements are met.

Any spills or accidents resulting in a threat of harm to human health, live-stock or the tribal members shall be responded to in accordance with the applicable federal, State, local and tribal laws. The tribal law is the Ordinance for Response to Spills and Leaks on Santo Domingo Tribal Lands.

Transportation of local garbage, trash and other refuse is subject to the Landfill and Solid Waste Dumping Ordinance.

h. Agricultural - Large scale or aerial application of fertilizer or pesticides shall be done

only after tribal council approval upon full knowledge of all facts. Individual application of pesticides or fertilizers must be done only by complying with the manufacturer's directions.

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There shall be no large-scale animal confinement area or feedlot in any WHPA.

I. Water Supply wells - when resources permit, the council may authorize a hydrogeologic study of the cause or causes of the problems with the current water supply. Upon conclusion of such a study, this ordinance may be amended to correct the cause.

All existing water-wells shall be investigated to ensure that the pumps and piping do not leak or otherwise damage the ground allowing pollutants to enter groundwater. The tubing and casing of each well shall be periodically examined to ensure that no migration of fluids or other material may enter the hole or enter the water supply aquifer from other, less desirable aquifers.

The land surface around each well head shall be free of holes and pits that would allow surface drainage, or any other material, to enter the bore hole or the aquifer.

New water supply wells must be constructed to prevent any surface contamination to the aquifer and to prevent any other formation fluid from entering the aquifer.

Wellheads shall be housed, locked and fenced to prevent vandalism or other causes of damage.

j. Groundwater/surface water interface - In areas of high water table, such as at or near the Rio Grande, all dumping, landfill, animal burials and other activity that could contaminate the groundwater is prohibited.

In other areas where there may be an interface, such as Gallsteo Creek and other arroyas, there shall be no activity that would pollute the water before it is lost to the groundwater.

k. Wood Preservers or Fabricators - the area of prior wood panel and cabinet fabricators, and model home manufacturers, if in a WHPA, shall be inspected for remaining disposed-of drums or other evidence of wood preservatives or glue, etc. Any contamination found shall be taken away and disposed of properly.

1. New industry - the siting, construction and operation of any new industry shall be in accordance with this ordinance.

In addition, new industry shall be subject to the other health or environmental ordinances referenced herein or otherwise adopted by the tribe.

4. Training and Education: The Governor or his designee shall issue a policy on environmental matters that incorporates the controls and procedures of this ordinance and those referenced herein. The policy shall be posted in a public place.

For environmental concerns that are directly affected by individual action, the Governor shall issue notices advising the tribal members of their environmental duties. Individual actions that could affect the environment are: the manner of garbage and trash disposal, ash piles, disposal of used oil, disposal of pesticide and fertilizer containers, animal burial, etc.

Any other system of public notification, participation and education of environmental problems may be used by the Governor, such as the Santa Domingo newsletter.

Training of tribal employees and individuals on the proper handling of materials, etc., is also a responsibility of the Governor.

## 5. Enforcement

- a. The Governor or his designee is authorized to issue directives or procedures to further the purposes of this ordinance and those referenced herein.
- b. Such directives shall explain that violations are subject to fines by the tribal council.
- c. Any person or persons who violate any provision of this ordinance or the ordinances referenced in (a) immediately above is subject to a fine of up to TBD for each violation or per day for a continuing violation.
- d. The proposed fine will be decided by the tribal council and enforcement of the fine will be brought in the tribal court by the Governor or his designee.

Tribal Council